

IN THE DRAWINGS

The Applicants acknowledge that the drawings have been accepted.

REMARKS

Claims 1-35 are still pending in the present patent application.

Applicant acknowledges that in the Final Office Action Dated December 14, 2005, the Examiner has maintained and repeated the previous rejections with the exception of the rejection under 35 U.S.C. § 112, second paragraph. Applicant believes that the rejection under 35 U.S.C. § 112, second paragraph, has been overcome and is now a moot point.

The Examiner rejected claims 1-3, 5, 25-27 and 29 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,412,783 (*Skokan*). Applicant respectfully traverses this rejection.

In the Final Office Action dated December 14, 2005, the Examiner attempts to rebut Applicant's arguments by referring to Figures 1 and 2 of *Skokan*. However, as described in further detail below, Figures 1 and 2 of *Skokan* simply do not disclose a handshaking unit that is coupled to the control line of a bus and being adapted to determine if a first device and a second device that are coupled to the bus are capable of completing a data transfer. In fact, Figures 1 and 2 simply do not disclose a handshaking unit whatsoever. Further, *Skokan* affirmatively discloses that the handshaking signals are not coupled to the control lines since the handshaking signals are part of the timing signals, i.e., the control lines are on a separate line and the handshaking signal is yet another separate line. Therefore, *Skokan* clearly does not anticipate or make obvious all of the elements of the claims of the present invention.

Contrary to Examiner's assertion in the Final Office Action dated December 14, 2005, Applicant respectfully asserts that *Skokan* does not teach, disclose, or suggest all of the elements of claim 1 of the present invention. Simply because *Skokan* discloses a handshaking signal, it

does not follow that a handshaking unit that is coupled to the control line so the bus called for by claim 1 of the present invention is disclosed or made obvious. *Skokan* discloses an asynchronous handshake signal being encoded to facilitate transfer of the asynchronous handshake signal from a first network segment to a second network segment. *Skokan* discloses a network bus segment 10 and a network bus segment 30 being interconnected by a network extender 40. The network bus segment 10 is associated with one portion of a network and it communicates with the network bus segment 30, which is associated with another portion of the network via a network extender 40. See column 3, lines 28-34. *Skokan* discloses that timing signals may be transmitted on various data lines 11 on each of the network bus segments 10, 30, which may include a handshaking signal. See column 3, lines 33-37. *Skokan* also discloses that the timing signals 12 are sent on a separate line; wherein the timing signal includes the handshaking signals. *Id.* *Skokan* discloses that the bus segment 10 contains separate control lines 13, on which the handshaking signals are not sent. See column 3, lines 35-43. Therefore, it is abundantly clear from *Skokan* that the handshaking signals are not coupled to the control lines since the handshaking signal is part of the timing signals on the line 12. In other words, *Skokan* discloses that the control lines are on a separate line 13 and the handshaking signal is on another line (i.e., data lines 11). See column 3, lines 34-41. In contrast to *Skokan*, the handshaking unit of claim 1 is coupled to the control lines of the bus. Therefore, *Skokan* directs one away from the subject matter of claim 1. *Skokan* simply does not disclose a handshaking unit being coupled to the control lines of the bus, as called for by claim 1 of the present invention.

Additionally, *Skokan* clearly does not disclose a handshaking unit, as called for by claim 1 of the present invention. *Skokan* merely discloses that the timing signals on the data line 11 may include a handshaking signal, wherein claim 1 calls for a handshaking unit to be coupled to

the control lines of the bus upon which a first device and a second device are coupled, which is clearly not disclosed or suggested by *Skokan*. *Skokan* does not disclose a handshaking unit, much less a handshaking unit providing a handshaking signal on a control line of a bus.

Furthermore, claim 1 calls for the first and second device being coupled to a bus, where a handshaking is coupled to the control lines of the bus to determine if the first and second devices are capable of completing a data transfer and enabling the first and second devices to facilitate the data transfer. *Skokan* clearly does not teach a handshaking unit capable of enabling the first and second devices to facilitate the data transfer. Upon close examination of *Skokan*, it is revealed that there is no handshaking unit. Further, the handshaking signal, along with the timing signal, are sent to a coding device 14 and 15 and then converted to a serial stream using the serializer 19. The serial stream is then converted by deserializer 43, and then decoded by the decoders 34 and 35. See Figure 2, column 3, lines 60-68. In contrast to *Skokan*, the present invention overcomes some of the disadvantages of the subject matter of *Skokan*. For example, in the background section of the present invention, it is disclosed that one limitation of the prior art multiple physical device arrangement is that there is no efficient capability of providing direct communication between physical devices on the bus. See page 3, lines 19-20 of the present invention. It is respectfully submitted that *Skokan* falls in this category since coding, converting data to a serial stream, deserializing, and decoding are required for communication, wherein many of these disadvantages are overcome by the handshaking unit being coupled to the control lines of the bus that interconnects a first device and a second device, where enabling of data transfer between the first device and the second device may be facilitated by the handshaking unit. Therefore, some of the disadvantages of *Skokan* are overcome by the present invention, although the claims are not limited as such. Hence, various disadvantages of *Skokan* may be

overcome by employing various features of the present invention. Accordingly, those skilled in the art would not be taught the subject matter of various elements of the present invention. Therefore, *Skokan* does not teach, disclose, or suggest all of the elements of the present invention.

In addition, as described above, *Skokan* clearly does not disclose a handshaking unit coupled to the control lines of the bus interconnecting the first and second devices. Furthermore, *Skokan* actually teaches away from the subject matter of the claims, since the handshaking signals in *Skokan*, along with the other timing signals, are on data lines (i.e, line 12), wherein the control lines are on line 13, which is a separate line. However, other factors, such as the lack of a handshaking unit being coupled to the control lines of the bus, which is capable of enabling the first and second devices to facilitate the data transfer, is clearly not taught, disclosed or suggested by *Skokan*. Therefore, all of the elements of claim 1 of the present invention are not taught, disclosed, or suggested by *Skokan*, and therefore, claim 1 of the present invention is allowable for at least the reasons cited herein.

Furthermore, claim 13, which calls for a communications system that includes a BUS being connected to a first and a second device, as well as a handshaking unit coupled to the BUS to facilitate a data transfer between the first and second devices, is also not anticipated by *Skokan* for at least the reasons cited above. Additionally, claim 25, which calls for determining if the first and second devices are capable of completing a data transfer, providing handshaking signals to enable the first and second devices, and transferring the data in response to the handshaking signals, is also not anticipated by *Skokan* for at least the reasons cited above. Therefore, independent claims 1, 13, and 25 of the present invention are allowable for at least the reasons provided herein.

Independent claims 1, 13, and 25 are allowable for at least the reasons stated above. Dependent claims 2-12, 14-24, and 26-35, which depend from independent claims 1, 13, and 25, respectively are also now considered to be patentable in light of the above-presented arguments.

The Examiner rejected claims 4, 6-24, 28 and 30-35 under 35 U.S.C. §103(a) as being unpatentable over *Skokan*, as applied to claims 1-3, 5, 25-27 and 29 above, and in further view of U.S. Patent No. 6,618,376 (*Rumer*). Applicant respectfully traverses this rejection.

In the Final Office Action dated December 14, 2005, the Examiner asserted that the combination of *Skokan* and *Rumer* discloses a communication interface for establishing communications across shared communication bus and, therefore, it would have been obvious to those skilled in the art to incorporate the teachings of *Rumer* to the communication interface of *Skokan*. Applicant respectfully disagrees. The Examiner is unable to establish a *prima facie* case of obviousness based upon *Skokan* and *Rumer*.

As the Examiner well knows, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); M.P.E.P. § 2142. Moreover, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). If an independent claim is nonobvious

under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988); M.P.E.P. § 2143.03.

With respect to alleged obviousness, there must be something in the prior art as a whole to suggest the desirability, and thus the obviousness, of making the combination. *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1986). In fact, the absence of a suggestion to combine is dispositive in an obviousness determination. *Gambro Lundia AB v. Baxter Healthcare Corp.*, 110 F.3d 1573 (Fed. Cir. 1997). The mere fact that the prior art can be combined or modified does not make the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 U.S.P.Q.2d 1430 (Fed. Cir. 1990); M.P.E.P. § 2143.01. The consistent criterion for determining obviousness is whether the prior art would have suggested to one of ordinary skill in the art that the process should be carried out and would have a reasonable likelihood of success, viewed in the light of the prior art. Both the suggestion and the expectation of success must be founded in the prior art, not in the Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *In re O'Farrell*, 853 F.2d 894 (Fed. Cir. 1988); M.P.E.P. § 2142.

A recent Federal Circuit case makes it crystal clear that, in an obviousness situation, the prior art must disclose each and every element of the claimed invention, and that any motivation to combine or modify the prior art must be based upon a suggestion in the prior art. *In re Lee*, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). Conclusory statements regarding common knowledge and common sense are insufficient to support a finding of obviousness. *Id.* at 1434-35.

Applicant respectfully asserts that the combination of *Skokan* and *Rumer* do not suggest, teach, or make obvious all of the elements of claims 4, 6-24, 28 and 30-35 of the present invention. The Examiner stated that *Skokan* did not explicitly mention UTOPIA interfaces and

uses *Rumer* to make obvious the UTOPIA interfaces. However, as described above, *Skokan* is missing much more than the UTOPIA interfaces, therefore, merely adding the UTOPIA interface of *Rumer*, still does not teach, disclose, or suggest all of the elements of claims 4, 6-24, 28 and 30-35, which depend from the independent claims that have elements clearly not disclosed by *Skokan* (as described above), *Rumer*, and/or their combination. *Rumer* merely discloses a communication bus snooper switch to receive ATM cells from a number of ATM physical layer interfaces across a common inbound bus. *Rumer* clearly does not disclose or make obvious various elements, such as the handshaking unit coupled to the control lines of the bus that interconnects the first and second devices, which as described above, is also not disclosed by *Skokan*. *Rumer* does not make for the deficit of *Skokan*. Therefore, the combination of *Skokan* and *Rumer* do not disclose or make obvious various elements of claims 4, 6-24, 28 and 30-35 of the present invention.

Furthermore, Applicant respectfully submits that there is insufficient motivation in *Skokan* and/or *Rumer* to prompt one skilled in the art to combine the prior art disclosures to make obvious all of the elements of claims 4, 6-24, 28 and 30-35 of the present invention. In other words, the Examiner has not provided sufficient evidence or arguments to illustrate that sufficient motivation is found within the cited prior art that would direct one of those skilled in the art to modify the prior art to make obvious all of the elements of claims 4, 6-24, 28 and 30-35 of the present invention. For example, *Skokan* is directed to an asynchronous handshake signal being encoded to facilitate transfer of the handshake signal from a first network segment to a second network segment. In contrast, *Rumer* is directed to an ATM UTOPIA bus snooper switch that is capable of receiving queue of the number of available slots corresponding to the physical layers of the ATM interfaces. See col. 3, lines 40-46 and col. 4, lines 39-48. Those

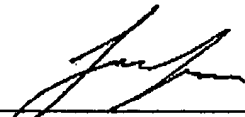
skilled in the art would not be motivated by these disclosures to combine them to make obvious all of the elements of claims 4, 6-24, 28 and 30-35 of the present invention. The Examiner has not provided sufficient evidence or arguments to the contrary. Therefore, Applicant respectfully submits that those skilled in the art would not have combined *Rumer* and *Skokan* to make obvious all of the elements of claims 4, 6-24, 28 and 30-35 of the present invention. Furthermore, as described above, *arguendo* even if *Rumer* and *Skokan* were combined, their combination still would not make obvious all of the elements of claims 4, 6-24, 28 and 30-35 of the present invention. Therefore, claims 4, 6-24, 28 and 30-35 of the present invention, are allowable for at least the reasons cited herein.

Clearly, the examiner has failed to show that even when *Skokan* and *Rumer* are combined, all of the elements of the claims of the present invention are not made obvious. Further, there is no suggestion or motivation, either in *Skokan* and *Rumer*, or in the knowledge generally available to one of ordinary skill in the art, to modify *Skokan* and *Rumer* or to combine the reference teachings. The Examiner has failed to show or argue any issues relating to an expectation of reasonable success if *Skokan* and *Rumer* were combined. Therefore, the Examiner has failed to establish a *prima facie* case of obviousness of claims 6-24, 28 and 30-35. Hence, claims 6-24, 28 and 30-35 are allowable for at least the reasons cited herein.

Reconsideration of the present application is respectfully requested.

In addition, in light of the arguments presented above, Applicant respectfully asserts that claims 1-35 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for allowance.

<p>Date: <u>February 14, 2006</u></p>	<p>Respectfully submitted,</p> <p>WILLIAMS, MORGAN & AMERSON, P.C. CUSTOMER NO. 23720</p> <p>By: </p> <p>Jaison E. John, Reg. 50,737 10333 Richmond, Suite 1100 Houston, Texas 77042 (713) 934-7000 (713) 934-7011 (facsimile) ATTORNEY FOR APPLICANT(S)</p>
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